

Remarks/Arguments:

Claims 16-27 are pending in the application.

In response to the Office Action, Claims 17-22, 25 and 26 have been cancelled. Claims 16 and 23 have been amended.

Response to Amendment

Applicants note, the previous rejection of the claims under 35 USC 102(b), as stated in paper dated 12/14/2005, is withdrawn due to Applicant's amendments in paper dated 3/14/2005.

Claim Rejections - 35 USC § 112

Claims 25-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 25-26 are also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

In response to these rejections Applicants have cancelled claims 25 and 26 to expedite prosecution.

Claim Rejections - 35 USC § 102

Claims 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US2004/0002495.

In response to this rejection Applicants have amended claim 1. Basis for the amendment to claim 1 is to be found in paragraphs [0294] – [0307] of the published US application. This same section is to be found in the priority document on page 13, lines 14 to page 14, line 18.

Applicants have further restricted this claim by specifying:

- R⁴ is chloro (only) – basis paragraph [0107] (page 13, line 11 of the priority document);
- n = 1 (page 10, line 11 of the priority document) and R¹ = hydrogen (page 10, line 21 of the priority document) which is equivalent to n = 0 - basis see [0113]; and
- m = 1 – basis paragraph [0103] (page 13, line 5 of the priority document).

Applicants removed certain parentheses to make the claim more acceptable to the USPTO.

Claims 17-22 have been cancelled.

Claim 23 has been amended to claim the 3 examples from the priority document.

Applicants submit that the claims now claim subject matter clearly entitled to the priority date of 6th March 2002 which is prior to the priority date of May 20, 2002 for US 2004/0002495.

Applicants therefore request withdrawal of the §102(e) rejection.

Application No. 10/506,748
Amendment Dated 09/18/2006
Reply to Office Action of 05/22/2006

The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

Applicants believe the application is in condition for allowance, which action is respectfully requested.

A petition for a 1 month extension of time is being filed herewith, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100662-1P US.

Although Applicants believe no excess claim fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100662-1P US.

Respectfully submitted,
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